

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ESTATE OF WALTER D. REYNOLDS,
DECEASED

Claim No. CU-2069

Decision No. CU-260

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

Rufus King, Esq.

Appeal and objections from a Proposed Decision entered on September 6, 1967;
No oral hearing requested.

Hearing on the record held on May 19, 1971

FINAL DECISION

On September 6, 1967 the Commission issued a Proposed Decision denying this claim for failure of proof.

Objections were filed, and subsequently certain documents, photographs of the interior of the fertilizer plant, and claimant's affidavit were submitted.

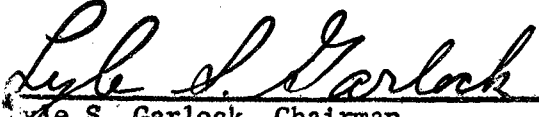
By Commission letter of December 22, 1967 claimant was advised through counsel of the additional evidence suggested to establish the claim. On January 18, 1968 counsel advised that claimant had died on December 22, 1967.

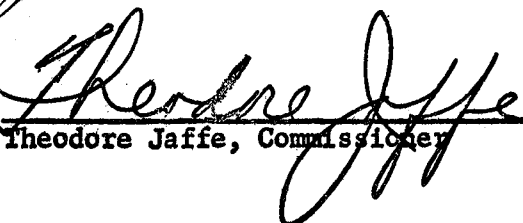
Counsel was asked to advise the Commission of the status of the estate and of the date when further supporting evidence would be submitted. A copy of counsel's letter to claimant's son, dated March 18, 1968, was submitted but no further evidence has been received.

The Commission, having considered the entire record, finds that decedent had been a United States national since birth, but that the new evidence submitted is not sufficiently probative to permit an affirmative decision. Accordingly, the Commission is constrained to affirm the denial of this claim for lack of proof and accordingly the Proposed Decision is affirmed.

Dated at Washington, D. C.,
and entered as the Final
Decision of the Commission

JUN 2 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

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Counsel for claimant:

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PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$67,024.75, was presented by WALTER D. REYNOLDS and is based upon the asserted loss of a fertilizer business. Claimant stated that he has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimant contends that he was the sole owner of Cia Elaboradora de Fertilizers Sin-Rey, S. A. which was organized in Cuba in 1954 and which was taken by the Cuban Government in June 1959. By Commission letter of June 5, 1967, claimant was advised, through counsel, as to the type of evidence proper for submission to establish this claim under the Act. No evidence in response to this correspondence was submitted. On July 13, 1967, counsel was invited to submit any evidence available to him within 45 days from that date, and he was informed, that absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has been submitted.

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The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

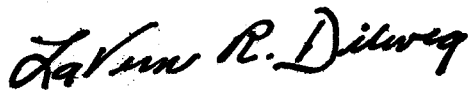
SEP 6 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)